



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CIVIL ACTION NO. 3:05-CV-1805-L  
(ECF)

KEELY DAVIS,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

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DECLARATION OF ALAN W. SCHAMBER

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I, Alan W. Schamber, make the following declaration under penalty of perjury pursuant to the laws of the United States:

1. I am over eighteen (18) years of age, of sound mind, and suffer from no disease or defect that would render me incompetent to make this declaration.
2. I make this sworn declaration from my own personal knowledge, for use in the above-styled matter, and for all lawful purposes.
3. I am a former District Manager for Wal-Mart Stores, Inc. ("Wal-Mart"). I held that position from approximately January 1998 to October 2005.
4. As a District Manager for Wal-Mart, my job duties included investigating allegations of wrongdoing by Wal-Mart managerial personnel.
5. In early May 2004, allegations were raised that Plaintiff Keely Davis had instructed associates to inventory three missing computers, rather than reporting them as shrinkage.

6. District Loss Prevention Supervisor Gregory Mitchell and I conducted an investigation into those allegations.

7. As part of our investigation, Mr. Mitchell and I interviewed and obtained statements from Ms. Davis and four other associates, including two hourly associates and two members of management. Copies of the statements that we obtained during our investigation are attached hereto as Exhibit 1.

8. Although Ms. Davis denied the allegations, Mr. Mitchell and I concluded, based on the witness statements, that the allegations appeared to be true.

9. Under Wal-Mart policy, the misconduct alleged to have been committed by Ms. Davis constitutes a serious integrity violation.

10. Pursuant to Wal-Mart's Coaching for Improvement Policy, Ms. Davis's employment could have been terminated as a result of her violation of Wal-Mart policy. A copy of Wal-Mart's Coaching for Improvement Policy is attached hereto as Exhibit 2.

11. Regional Personnel Manager Sam Sanchez and I decided to give Ms. Davis a Decision-Making Day Coaching and demote her from Co-Manager to Assistant Manager, rather than terminating her employment.

12. It is Wal-Mart policy to transfer members of management who have been demoted to different stores.

13. No one else was involved in the decision to give Ms. Davis a Decision-Making Day Coaching and demote her to Assistant Manager in May 2004.

14. When I administered the Decision-Making Day Coaching to Ms. Davis on May 4, 2004, I advised her that the Coaching would remain active for one year, until May 4, 2005, and

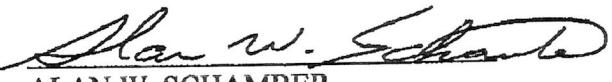
that, if Wal-Mart deemed that she engaged in further misconduct during that time period, her employment could be terminated immediately.

15. On May 4, 2004, I also advised Ms. Davis of the decision to demote her to Assistant Manager and transfer her to another store.

16. I later learned that the decision to demote Ms. Davis had been overturned.

**PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY  
UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE  
FOREGOING IS TRUE AND CORRECT.**

DATED: August \_\_\_, 2006.

  
ALAN W. SCHAMBER

# EXHIBIT 1

## STATEMENT

My name is Tammy Hotchkiss, I live at 824 Loganwood Royse  
(Street Address)

City Tx 75189. I make this statement of my own free will. It is my statement and no  
one else's.

I got a e-mail from Greg about my Hp  
comp. 3 Box were taking from our  
store. Keely said she was going to  
take care of everything. I  
was to prep. for Inv. and put them  
in security room. I was going to  
put them in claims but was told  
to get them out of claims & put  
them in the security room. Keely &  
Nikki were in the office when She  
told me to go to claims and get  
the Box out & get the others out  
of the office & prep. them to. I  
prep. the Boxes & put them in the  
security room with the other Hp comp.  
for Inv.

Tammy Hotchkiss

DEF 00075

## STATEMENT

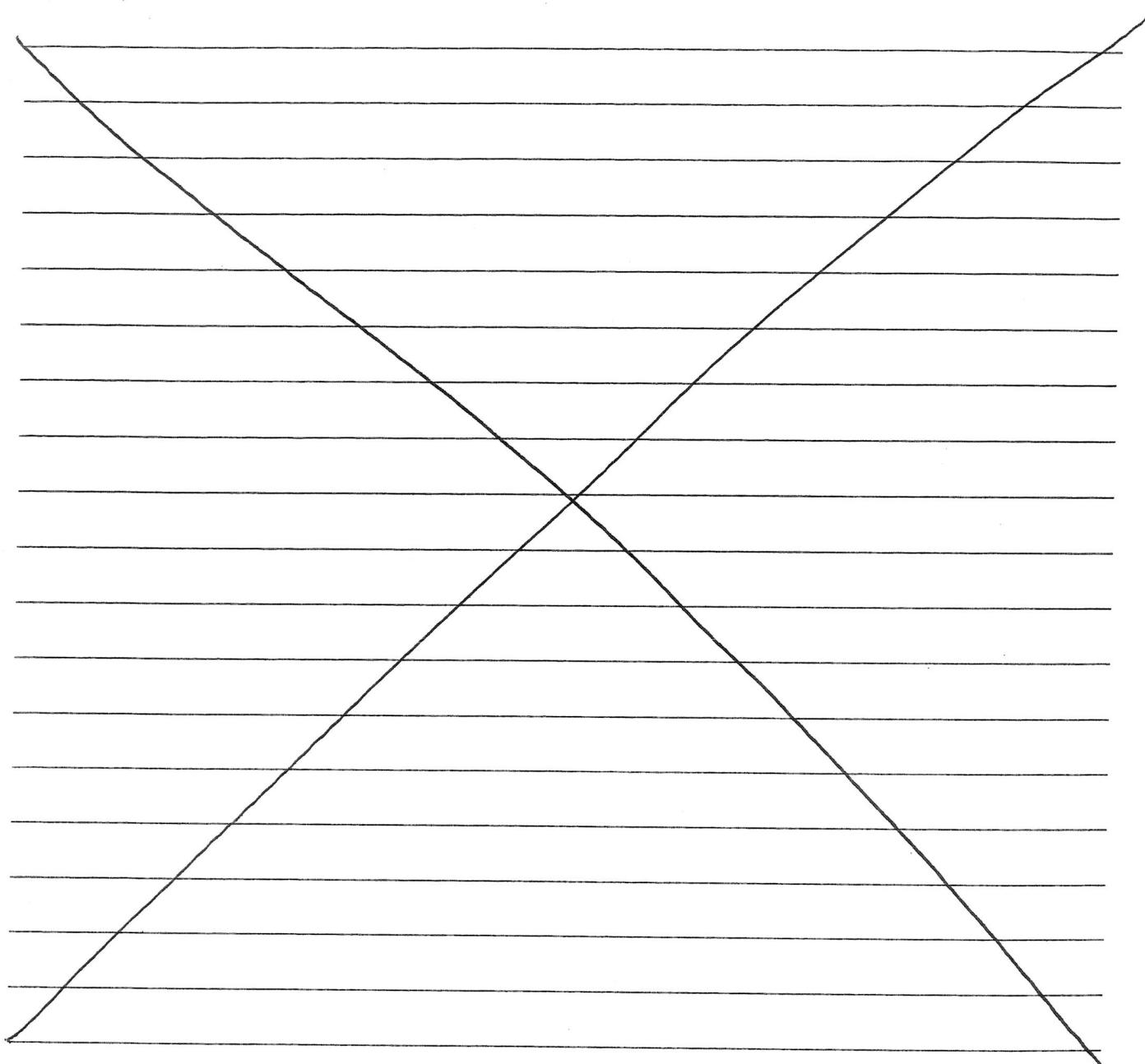
My name is Sharon Morley, I live at 10482 CR 800 Royse City, TX  
(Street Address)

75189 P.O. box 256 Fate, TX 75131 I make this statement of my own free will. It is my statement and no one else's.

Tammy H. of Electronics gave me a UPC for a notebook computer and I scanned it out under shrink. Then she brought me a second UPC and Nick (asst. Manager) ask me if Tammy gave me a UPC for a laptop computer, I said yes and he (Nick) told me not to scan it out.

A couple days later I called Nick and ask him about scanning out the computers. He told me not to, I don't recall who told me they were going to inventory the computer?

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The above statement is a true statement to the best of my knowledge and belief. No threats or promises were made by anyone to get me to say it. I have had complete freedom to leave the premises.

Sharon Morley  
Signature

Witness

Witness  
0259 - Rockwall, TX  
Store #/Location  
05 - 03 - 04  
Date

DEF 00077